

REMARKS

Reconsideration of this application in light of the present amendments and remarks is specifically requested. In the outstanding office action, claims 1-23 were pending in the application. Claims 1-23 were rejected.

In response to the office action, claims 1, 5, 12, and 14 were amended. Claims 4, 13, and 15 remain unchanged. Claims 2, 3, 6-11, and 16-23 were canceled without prejudice. New claims 24-35 have been added. Therefore claims, 1, 4, 5, 12-15 and 24-35 are currently pending in the application.

Rejection of claims 1-23 under 35 U.S.C. 112 first paragraph:

The rejection of claims 2, 3, 6-11, and 16-23 under 35 U.S.C. 112 first paragraph is moot in view of cancellation of these claims.

Applicants respectfully traverse the rejection of claims 1, 4, 5, 12-15 under 35 U.S.C. 112 as failing to comply with the enablement requirement. Applicants respectfully submit that in an amendment dated March 9, 2007, in response to this same rejection of claims 1-10, Applicants amended the specification and claims accordingly. Specifically, in the amendment dated March 9, 2007, in response to the rejection of claims 1-10 under 35 USC 112 first paragraph, claims 1, 3, 5, 7 and 8 had been amended to include "at an access point". Support for this amendment can be found in page 2 lines 24-27 and page 3 line 27 through page 4 line 6 of the Applicants' originally filed specification. Further, in the amendment dated March 9, 2007, Applicants copied the verbiage of independent Claims 1, 8, and 11 into Applicants' specification for further clarification. Further, in the present amendment, Applicants have re-clarified the invention as a method of operation of an access point. Applicants therefore respectfully request withdrawal of the rejection of claims 1-23 under 35 U.S.C. 112.

Rejection of claims 1-11 under 35 U.S.C. §103 (a) as being unpatentable over Lansford et al (US Publication No. 20030178984) in view of Sherman (U.S. 7,031,274):

The rejection of claims 2, 3, and 6-11 under 35 U.S.C. §103 (a) as being unpatentable over Lansford et al (US Publication No. 20030178984) in view of Sherman (U.S. 7,031,274) is moot in view of the cancellation of claims 2, 3, and 6-11.

Applicants respectfully request reconsideration of the rejection of claims 1, 4, and 5 under 35 U.S.C. §103 (a) as being unpatentable over Lansford et al (US Publication No. 20030178984) in view of Sherman (U.S. 7,031,274) as herein amended.

Independent claim 1 has been amended herein to clarify applicant's invention. Specifically, independent claim 1 has been amended to clarify that the "method of operation of an access point for supporting a plurality of devices operating on a first and second frequency band", as claimed includes "providing communication in a first transition beacon interval at the second frequency band" and "providing communication in each of a first plurality of beacon intervals following the first transition beacon interval at the second frequency band." Further, claim 1 has been amended to clarify that during the first transition beacon interval, the access point communicates by both "transmitting multicast data and receiving and transmitting distributed coordinated function data and acknowledgements." Whereas in each of the plurality of beacon intervals following the first transition beacon interval, the access point communicates only by "receiving and transmitting distributed coordinated function data and acknowledgements." Support for these amendments can be found in FIG. 2 and accompanying explanation in the text of page 5, line 27, through page 8, line 20 of Applicants' original application.

Applicants respectfully submit that Lansford et al (US Publication No. 20030178984) in view of Sherman (U.S. 7,031,274), taken singly or in combination, do not anticipate, either expressly or inherently, each and every element as set forth in independent Claim 1. Specifically, Lansford et al (US Publication No. 20030178984) in view of Sherman (U.S. 7,031,274) do not anticipate sending multicast data only for the first interval after transition to a new frequency and not in subsequent beacon intervals. Further, Lansford et al (US Publication No. 20030178984) in view of Sherman (U.S. 7,031,274) do not anticipate exchanging data at

only certain frequencies at certain intervals. In view thereof, Applicants respectfully request reconsideration of the rejection of claim 1 as herein amended.

Claims 4 and 5 as herein amended contain further limitations of independent claim 1, respectively which claim was shown to be allowable above. In particular, Claim 5 has been amended to recite “providing communication in a second transition beacon interval at the first frequency” and “providing communication in each of a second plurality of beacon intervals following the second transition beacon interval at the first frequency band.” Support for these amendments can be found in FIG. 2 and accompanying explanation in the text of page 5, line 27, through page 8, line 20 of Applicants’ original application. Along with the discussion above with respect to Claim 1 which is applicable to the amended Claim 5, Claim 5 further clarifies that an inequality between the beacon intervals for the first frequency communication and the beacon intervals for the second frequency communication. Lansford et al (US Publication No. 20030178984) in view of Sherman (U.S. 7,031,274) do not anticipate this inequality.

Applicants respectfully submit that claims 1, 4, and 5 are in proper condition for allowance and request that claims 1, 4, and 5 may now be passed to allowance.

Rejection of claims 12-23 under 35 U.S.C. §103 (a) as being unpatentable over Lansford et al (US Publication No. 20030178984) in view of Sherman (U.S. 7,031,274) and further in view of Benveniste (U.S. 20030174690):

The rejection of claims 16-23 under 35 U.S.C. §103 (a) as being unpatentable over Lansford et al (US Publication No. 20030178984) in view of Sherman (U.S. 7,031,274) and further in view of Benveniste (U.S. 20030174690) is moot in view of the cancellation of claims 16-23.

Applicants respectfully request reconsideration of the rejection of claims 12-15 under 35 U.S.C. §103 (a) as being unpatentable over Lansford et al (US Publication No. 20030178984) in view of Sherman (U.S. 7,031,274) and further in view of Benveniste (U.S. 20030174690) as herein amended. Claims 12-15 as herein amended contain further limitations of independent claim 1, which claim was shown to be allowable above.

New Claims

New Claims 24 through 35 have been added herein. Claims 24 through 35 are dependent upon claim 1, which claim was shown to be allowable above. Support for these amendments can be found in FIG. 2 and accompanying explanation in the text of page 5, line 27, through page 8, line 20 of Applicants' original application. Consequently, Claims 24 through 35 do not introduce any new matter into the specification. Therefore, since Claims 24 through 35 introduce additional subject matter that, particularly when considered in the context of the recitations of claim 1, constitutes patentable subject matter, Applicants respectfully submit that claims 24 through 35 are in proper condition for allowance and request that claims 24 through 35 may now be passed to allowance.

For the foregoing reasons, applicants respectfully request that the above rejections be withdrawn.

Inasmuch as this amendment distinguishes all of the applicants' claims over the prior art references, for the many reasons indicated above, passing of this case is now believed to be in order. A Notice of Allowance is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If the Examiner believes that there are any informalities which can be corrected by Examiner's amendment, or in the event that the Examiner deems the present application non-allowable, a telephone call to the undersigned at (954) 723-6449 is respectfully solicited.

Authorization is hereby given to charge any fees, or credit overpayment necessitated by actions taken herein to Deposit Account 502117.

Respectfully submitted,

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